IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 22127 of 2007(H)

PETITIONER:

PAULOSE,
S/O.DEVASSY, PALATTI VEEDU,
MOLLANNOOR, ANGAMALY,
ALWAYE TALUK.

BY ADV. SRI.N.ANILKUMAR

RESPONDENTS:
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1. **THE CIRCLE INSPECTOR OF POLICE,**
   CENTRAL STATION, ERNAKULAM.

2. **E.G.KURIAKKOSE,**
   NETHARA BHAVAN, KARAKKATTU ROAD,
   KARITHALA DESOM, ERNAKULAM.

BY ADV. SRI.K.C.CHARLES for R2
BY GOVERNMENT PLEADER SRI. SALIM.P.A for R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.22127/2007 H

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE ORDER OF THE ACCOMMODATION CONTROLL DTD. 18/04/2007.**

EXT.P2: **COPY OF THE LETTER ISSUED BY THE ACCOMMODATION CONTROLLER DTD. 6/06/2007.**

EXT.P3: **COPY OF THE REQUEST DTD. 10/07/2007.**

/TRUE COPY/

P.S.TO JUDGE

KSS

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 22127 OF 2007-H

Dated 8th October, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner is a tenant under the 2nd respondent. Alleging that the water connection to him has been severed, he moved the Accommodation Controller. The said officer passed Ext.P1 order, directed the landlord to restore the water supply to the tenanted premises. The Accommodation Controller issued Ext.P2 communication to the police to render necessary protection to the petitioner to effect reconnection of water supply. Even then the police did not take any action. Therefore, he filed Ext.P3 representation before the police and thereafter, this writ petition was filed, seeking a direction to the police to render sufficient protection to his workers to effect reconnection of water supply to the tenanted premises. This Court on 9.8.2007 passed an interim order in favour of the petitioner. Based on the said order, the petitioner submits, water supply is restored.

2. The 2nd respondent has filed a counter affidavit and also a petition

to vacate the interim order. According to him, water supply was never given to the room in the possession of the petitioner. It is also submitted that there is an order of the Rent Controller to evict the petitioner. The landlord has already filed an appeal against Ext.P1 order before the District Collector. It is submitted by the learned counsel for the petitioner that the order of eviction made by the Rent Controller has been stayed by the Appellate Authority.

3. As long as Ext.P1 remains in force, the connection given to the petitioner pursuant to the interim order of this Court shall not be disturbed. If the said order is recalled, vacated or annulled, the 2nd respondent can disconnect the water supply to the room in the possession of the petitioner. Subject to the above condition, the writ petition is disposed of, making the interim order in favour of the petitioner absolute.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/